About every one in Washington who reads at all reads The

CLOSING NEW YORK PAGE 17

No. 19,350.

WASHINGTON, D. C., FRIDAY, SEPTEMBER 19, 1913.-TWENTY-TWO PAGES.

DIAZ OPPOSED AS MUCH AS HUERTA

Not Accept Former for Mexican Presidency.

SHARP COMMENT ON HIS REPORTED RECALL

Declare Any Attempt to Hold Elections Under the Present Regime Will Be Frustrated.

Charging that Gen. Felix Diaz was a Nice President Suarez and other Madero have also been agreed to, and it is underleaders, representatives here of the constitutionalist party in Mexico today met the news that Diaz has been recalled to Mexico City to become a candidate for president with the assertion that they will oppose Diaz just as vigorously as they have opposed Huerta.

The constitutionalists here made it plain that they have no intention of accepting Gen. Diaz because of his close connection with Huerta, and that any attempt to hold elections October 26 under present conditions will be frustrated. It was even intimated here that attacks will be made on all places where there is an attempt to hold an election.

Francisco Escudero, the leader of the constitutionalists here, refused to comment on the news that Huerta has re-

election can be held in Mexico while compromise on these rates, reducing ate. Huerta is in charge of the machinery. and that Diaz is just as much involved in the plot to overthrow Madero as was held up by the glovemakers, who begged

Basis for Their Objections.

bloodshed in Mexico, and that immedi-

elected, but would wait, in accord with he precedents of President Haves' administration, to determine whether the resulting government was strong enough

The policy of strict neutrality with re spect to the exportations of arms and munitions of war from this country, however, will be continued until recognition

national obligations.

o maintain peace and guarantee inter-

is actually extended.

Jointly Responsible With Huerta.

fall, it is thought here, will mean sharpening of the contest between the

great bulk of the Mexican population, has

weeks is likely to be that was joined of an interested spectator, with John Mississippi. Lind being retained at Vera Cruz, however, to show the world generally that the United stands ready to assist in the situation by pacific means if its friendly offices are desired.

Deny Huerta Party Controls. The constitutionalists here deny em

of Mexico. They say that the total whisky. So that the lady who takes her stitutionalists.

They declare that in thirteen states constitutionalist movement, and that in tax, and objected to postponement of Senator Shafroth, another democratic most of the other states a large propor- consideration of the tax until the next tion of the people are constitutionalists. They say that the administration at Washington does not realize how widespread is the revolutionary movement in central and southern Mexico, because United States consuls are stationed in only the larger cities.

The constitutionalists attach much importance to the appointment of Eduardo Tamariz as minister of public instruction in Huerta's cabinet. He is the grandson of Manuel Haroy Tamariz, who fifty years ago was the leader of the ultra conservative and clerical party. Eduardo

Tamariz is now the leader of what is left of this party, it is said. According to the constitutionalists, this appointment means that Huerta has been getting money from the clericals, and, who, up to the present have preserved a neutral stand toward Huerta, coming out right arm and entered his body, lodging Wednesday.

Bryan on California Request.

Secretary Bryan said today that he had not yet received a request from Los An- the would-be assassin. The shooting is geles, Cal., signed in behalf of more than believed to have been done by a strike a hundred American refugees by Charles (Continued on Twelfth Page.)

THE DAY IN CONGRESS.

Not in session; meets Monday. Banking committee resumed hearngs on administration currency

House Not in session; meets Monday.

FASTER PROGRESS BY SENATE COMMITTEE TARIFF CONFEREES GETS CURRENCY BILL

ganese Ends and Other Articles Disposed of Today.

The conferees on the tariff bill today decided to leave ferromanganese on th free list, thus ending a long fight between the Senate and House. The House had a duty of 15 per cent ad valorem on this article, and the Senate put it on

The House, on the other hand, won a victory when the Senate conferees agreed to a duty on Angora goat hair, which the Senate had put on the free list, along with raw wool. The duty is a compromise. The House duty was 20 per cent ad valorem, and it is believed that a participant with Huerta in the events rate of about 10 per cent advalorem has that led to the death of President Madero, been agreed to. The duties on mohair stood that the compromise is slightly lower than the House rates.

> The conferees gave up the specific rates in the silk schedule, returning to the ad valorem duties of the House, though these have been slightly changed. It is understood some small increases were made. The paragraph dealing with aluminum

Faster progress was made in today's meeting of the conferees than for the

Glove Workers Throng Corridors.

A large delegation of men and women employed in the glove factories at Gloversville, N. Y., thronged the corridor outside the Senate finance committee rooms where the tariff conference is going on. is official confirmation of press dispatches, but other members of the plea to the conferees to agree to the call in their republican colleagues. If the osition of their party toward the Diaz ing increased the duties considerably over those of the House bill. Within the last The constitutionalists said no real day or two the conferees agreed to a fight over it before it gets into the Sen somewhat the Senate rates.

As members of the conference commithem to reconsider their action, saying of Congress. that the reduction in the duties would fall not upon the manufacturers, but upon the operatives, whose wages would told the conferees that they had come to amendments to the bill will be made in not at the suggestion of any of the questions asked by the democrats of the night, at which the duties on cotton guide.

but no decision was reached, it was said. Senate Amendment Stands.

threads, yarns and cloth were discussed

The conferees yesterday reached an amendment practically without change. bushel will be levied against wheat im-American wheat, and a duty of 45 cents per barrel against wheat flour imported under similar conditions. This agreement established a precedent which it is understood will be followed

It is expected that the conference will approve countervailing duty of 10 per cent on potatoes, which both houses have put on the free list, and that the countervailing duty on wood pulp, put in by the House and later stricken out by the Senate, may also be adopted. An agreement was reached on the meat nspection provision as applied to free neat from abroad, and the section will be rewritten so that the rigid provisions of the American inspection laws will be ap-

in other cases in imposing countervailing

features to imported meats. Agreement Attacked in Senate.

plied in some of their more important

tacked by the Senate yesterday afternoon by Senator Pomerene. He declared that if the provision were dropped he would to eliminate the provision and take it up

Senator Pomerene criticised the tariff bill managers more sharply than had ock denounced the caucus for the defeat of his "trust" tax amendment. He by Senator Vardaman of

Stronger Than Whisky.

that they add enough alcohol to bring the and have made it unfit for table use. cludes the great bulk of the population There is only 40 per cent alcohol in population of Mexico is 16,052,000, and glass of sweet wine is getting more alcohol than the man who drinks his high-

He declared that only the patent mediall the inhabitants are in favor of the est sweet wines, would suffer from the session of Congress, on the ground that it would relieve the California wine producers of the tax for a year, amounting to a bonus of some \$7,000,000.

SHOT FROM AMBUSH.

Michigan Guardsman Wounded in Copper Mine Strike Zone.

CALUMET, Mich., September 19 .- While on picket duty at the Isle Royale mine. in the copper miners' strike zone, before daylight this morning, Randolph Harvey, a private of Company A, Kalamazoo, was they say, it will result in many Mexicans shot from ambush and seriously wounded. The bullet penetrated the soldiers' it is expected hearings will be closed by against a rib. It is not believed the wound will result fatally. A general alarm was sounded and deputies scoured one of the most severe democratic critics the woods nearby, but found no trace of of certain features of the administrasympathizer. A big demonstration is being planned

by the Western Federation of Miners at Calumet Sunday noon. The strikers will be addressed by John H. Walker, president of the Illinois mine workers.

Typhoon on Chinese Coast. HONGKONG, China, September 49 .-

Cable communication with Canton was interrupted today by a violent typhoon blowing along the Chinese coast and up the Canton river. Cable messages reach-

Constitutionalists Here Will Long Fight Over Ferroman- Measure Is Referred Imme-

diately After Passage by House Yesterday.

LENGTH OF CONSIDERATION A MATTER OF CONJECTURE

Chairman Owen Expects It to Be Reported Out by October 6-Public Hearings Resumed.

The currency bill, which was finally passed by the House yesterday afternoon, was then received by the Senate and was referred immediately to the committee on banking and currency. The Senate banking and currency com-

mittee, of which Senator Owen is chairman, is at present conducting open hearings on the bill, and these will continue until the early part of next week. It is expected that the committee will then begin its executive sessions and pass upon the House bill. How long the committee will have the currency bill before it is still a matter of conjecture. There are many wide differences of

opinion among the democratic members of the committee on features of the bill.

Caucus Means Long Fight.

So far the republican senators have been attending the meetings of the committee. It may be that the democrats will meet by themselves when the bill is call in their republican colleagues. If the

pears little likelihood of the currency tee came along the corridor they were bill being passed before December 1, the beginning of the next regular session

President Wilson, it is expected, will do all in his power to hurry along the currency bill, and to keep the party in be cut in order to meet the competition the Senate lined up for the measure They However, it is expected that many Washington at their own expense and the Senate. Certainly this is true if the Senate committee during the hearings now going on are to be considered as a

Chairman Owen Optimistic.

Senator Owen, chairman of the bank ng committee, is optimistic regarding agreement to leave the countervailing He gave out the following statement to

> "The passage of the banking and currency bill by the House of Representacratic caucus and discussion at length in the House itself argues prompt and "Every student of this question will agree on the necessity and urgency for prompt action. It has been six years since we had the gigantic national calamity in the panic of 1907, which led to the creation of the monetary commission and its proposed remedy, upon which the government expended out of the public treas-

> ury nearly \$300,000. "The retiring administration, through Franklin MacVeagh in his annual report of September 2, 1912, declared that the most important fact in connection with banking and currency legislation was its urgency emphasizing the extreme necessity of protecting this country against a repetition of the frightful catastrophe of 1907.

Patriotic Response Made.

personal comforts and convenience and tion. perform this great duty so urgently needed by the country, and the Senate and House have responded in a very patriotic spirit.

"The House bill was passed yesterday and the Senate recessed for the express purpose of giving an opportunity to have this trip will be made at the request of this bill reach the Senate and be immediately referred to the committee. "I have no doubt but that the Senate

ommittee will give the bill the most igorous and virile attention, subjecting to the closest scrutiny, and I have no loubt that the Senate will be able to make some improvements in it. "The members of the banking and cur

ency committee of the Senate have been diligently studying this question and are quite well prepared to deal with the quesions involved

The Senate hearings already have the Senate committee is giving the mater daily consideration. The full committee will be present Monday, when we shall hear Samuel Untermyer, who, as counsel, drafted the Pujo report

Expects Report by October 6. within two weeks from next Monday, but,

to forecast with precision the time which will be required. "I believe I am as fully prepared to act on the currency bill now, as I would

be if I gave it much longer study," said member of the committee. Congress should dispose of it before the next regular session begins.' Senator Bristow of Kansas, republican a member of the Senate banking and currency committee, today declared that the currency bill as it passed the House was "Wall street measure." He insisted that the interests represented in Wall street had obtained practically all that

Public Hearings Resumed

in the debate over the measure.

they wished in the pending bill, and added that he intended to show this up

Public hearings were resumed today with Andrew J. Frame, a banker of Waukesha, Wis.

Country bankers also will appear, and Senator Reed, a member of the Senate

banking and currency committee and tion bill, went to the White House last brought to an end today by 600 mounnight and for nearly three hours was in taineers, forming part of the Alpine conference with President Wilson and section of the Swiss army, who have Secretary McAdoo. When the conferbeen engaged for some days in a series ence ended near midnight neither the of movements among the hardest peaks senator nor McAdoo would discuss it. It is understood that the provisions of an attack on an imaginary enemy in

the time comes the democratic majority high where they had bivouacked in will work in harmony, but in the meantime, as consideration of the bill is be- executed a forced march across the ginning in the Senate, it is said he pro-poses to aid actively in smoothing out ing snowstorm without the loss of a differences of opinion and paving the way single man from fatigue, and concluded ing this city from abroad will be sent by for virtually unanimous action by the the splendid feat by storming the Egmail overland.



CONFLICT WITH DANIELS

Development of Navy Yards **Expected to Bring About** Tug-of-War.

Several members of Congress believe hey foresee a difference of opinion between the published views of Secretary

of Senate and House. If their vision is correct, a conflict is imminent between the Naval Secrewhich provide appropriations for the naval establishment. There is no sugargument, but if the Secretary's ideas are carried out there will be a marked difference in the government's naval Senate urging them to lay aside their policy during the present administra-

Committee to Go West.

The House naval affairs committee is coast to inspect big yards on the west-Secretary Daniels, who wishes the members of the House committee on naval aftalking about when he makes recommendations which may involve the changes of policy spoken of. It is be lieved the Secretary, in brief, will recomnend expenditures which will mean vast increases in the yards.

The policy of the House naval affairs ommittee has always been to put the bulk of the appropriations into ships and men and to pay less attention to yards. on the ground that ships could be built taken more than 500 printed pages, and in private yards, where no enormous amount of governmental capital need be sunk to establish expensive plants. With the Secretary's strong views on the combination in the steel industry which has caused the United States to pay a higher price for steel armor and other steel requisites for battleships. there is not the slightest doubt that as soon as his recommendations are read before the House naval affairs committee of course, it is difficult in the extreme there will be requests that the government shall take a greater hand in its

Crux of Situation.

Will the committee acquiesce in all or in part? That will be the crux of the "I believe situation, and will be the point around which the argument will swing. Mare Island navy yard will be one o the principal establishments to be visited. Whether or not the navy would be justified in spending huge sums for a great drydock there is a question to be settled. A torpedo repair plant on Puget sound is to be inspected and there is a very lively interest being taken in the torpedo question just now. Torpedoes on the Pacific coast have had to be shipped by rail across the continent to Newport, R. I., to e repaired, which is a proposition at

MANEUVERS ABOVE CLOUDS.

which many a congressman laughs.

Remarkable Military Program by Al pine Mountaineers of Swiss Army. GENEVA, Switzerland, September 19.

-A remarkable program of military maneuvers above the clouds was of the Alps. The final maneuver was the currency measure to which Senator Reed has objected were gone over carefully.

Occupation of Eggishorn, a mountain 10,000 feet high. The battalion of 600 hardy Alpinists descended this morn-The President is confident that when ing from the Jungfrau Joch, 11,140 feet

LONDON BUS LINE HALTS DIDN'T KNOW MEMBER PREDICTED IN CONGRESS Employes Hope Men From

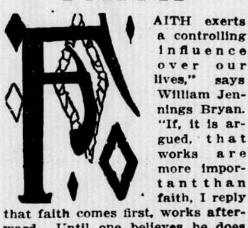
Other Companies Will Join Strike Tonight. of Wisconsin.

LONDON, September 19.-Not a single motorman or conductor employed by the Tilling Omnibus Company, whose action in refusing to recognize the union is likely to bring about a general A few of the old horse omnibuses were to create a bureau of safety in the Deput on the streets for the first time in several years.

vicinity of the motor bus sheds, al-

Several conferences were held in th the employes of the Amalgamated Tube system. The action of the latter in ase of a general strike was discussed. Practically the entire press of London supports the men in their demands. Many of the newspapers declare that the point in regard to the wearing of union badges should never have been

Secretary Bryan "FAITH"



over our lives," says William Jennings Bryan "If, it is argued. that faith, I reply ward. Until one believes he does not act, and, in accordance with

a controlling

influence

his faith, so will be his deeds. "Abraham, called of God, went forth in faith to establish a race and a religion. As a result of his faith a race has been produced not surpassed in its achievements by any other race in history, and as a result of his faith nearly 400,000,000 of human beings are adherents of monotheistic religion. "It was faith that led Columbus

to discover America, and faith again that conducted the early settlers to Jamestown, the Dutch to New York and the Pilgrims to Plymouth Rock. Faith has led the pioneer across deserts and through trackless forests, and faith has brought others in his footsteps to lay in our land the foundations of a civilization the highest that the world has known, "Without faith, we are told, it is

impossible to please God, and I may add that without faith it is impossible to meet the expectations of those who are most interested in **Special Features Section**

SUNDAY STAR

OF LABOR COMMITTEE

Chairman Lewis Finally Gets **Acquainted With Brown**

There was one very quiet and unas-

groups, waiting for their comrades em- The quiet and unassuming person took to their station houses, and the body a deep interest in what was being said. When Representative Mann had concluded his remarks the eagle eye of Repesentative Lewis of Maryland, chairman of the labor committee, espied the quiet and unassuming man across th

sir?" asked the chairman "I am a member of the committee, sir, responded the unassuming one. "I an Edward Everts Brown of Waupaca,

"Oh." murmured Mr. Lewis. member of the committee, with a fine the tariff bill was of such importance to his district he had been there with his people on important business, which had prevented him from getting acquainted at

ESCAPE WAS WONDERFUL

Train Runs Into Burning Bridge and Nobody Is Seriously Injured.

LA CROSSE, Wis., September 19 .- Division officers here of the Chicago, Burlington and Quincy railroad began an investigation today of yesterday's wreck of the Oriental limited at Trempealeau. was with the mayor when he died, looked by their colleagues. of the Oriental limited at Trempealeau, careworn and aged. He was at the point His precedents ranged in time from the by fire after running into a burning bridge. Attention is called by railway had to be assisted up the steps. A physimen to the fact that though all the cian was called to attend him and the ington, sixteen of the forty-two members coaches in the Oriental limited were of mayor's widow, both of whom were suf- of the senate were challenged. 1700d construction, and though the train fering from shock. A handful of chilwas running fifty-three miles an hour at dren on their way to school stood in a the time of the accident, not one of the group at the doorway as the body was 190 passengers or the train crew was seriously injured.

the wreck. Hundreds of men worked all night, and early today a temporary bridge he said; "they were the mayor's best was constructed, 300 feet of track re- friends. placed and the line opened for traffic. The burning trestle was about forty feet long, and the tender and baggage car tipped over on the north side, and the two day coaches, two tourist cars and the dining car fell on the south Three cars remained on the track, A switch engine sent from Winona pulled

one of these away, and passengers pushed the other two back from the fire which threatened them. BEGIN FINAL SESSION TODAY.

its final adjournment tonight. The work today included the election dum petitions. of officers. Tonight the prizes will be awarded son and Cargould will immediately please

of the subordinate lodges.

CARRIED TO HOME Is Later to Lie in State in City Four Senators, Challenged by Hall Until Public Fu-

LANDED AT THE BATTERY AT THE BREAK OF DAY

neral Service.

Borne Through Almost Deserted Herrick and Parker Argue Their Streets and Across the Bridge to Brooklyn.

NEW YORK, September 19 .- The body of William J. Gaynor, mayor of New York, who died at sea September 10, lay today in the privacy of his Brooklyn home. In a drizzling rain t was lowered at 4 o'clock this morning from the high decks of the liner Lusitania to the city's boat Correc-

Through a mist that lay heavy over the harbor the Correction steamed an hour and a half later to pier A at the Battery. There a picked squad of 100 police, who had stood all night in the rain, formed its escort to Brooklyn. The funeral ship came to anchor at quarantine at 1:20 o'clock this morning, the American flag at her stern drooping at half-mast. A dozen stalwart sailors carried the body in its heavy lead casket from the mortuary chapel to the deck. The carpet of flowers under which it lay was removed and only the great American flag placed over the casket at Liverpool covered it as a windlass lowered t slowly twenty-five feet down an in-

Catafalque on Boat's Deck.

taken to a heavily-draped catafalque n the center of the upper deck, on placed in the coffin and the lid closed. wreath and a branch of palms were placed above it. The Correction cast off and dropped anchor a short dis- here as representatives of the whole tance away, awaiting the coming of people, that the people established the

The black mist had changed to gray when the engines began to throb and she started on her short journey to the Bat-

tery. The rain had ceased. It was full day when the Correction came to rest in her slip. Eight six-foot pallbearers, four in the uniform of the fire department and four in the uniform of police, each man with a bit of crepe on his sleeve, lifted the casket to their shoulders and bore it over the gangplank to the hearse.

All Night Vigil Ended.

The long vigil of the picked squad of bridge, which the mayor had so often trod on his way to and from his home. the funeral party went with measured tread. It was after 8 o clock when they reached the late mayor's home. There the body was taken to a large room The committee appointed by the city to receive it withdrew; the hundred policemen clattered back through the streets

was left with only the family around it Private Funeral at Home.

night. Private funeral services will be to the city hall, where it will lie in state B. Parker rose and began to speak withtill Monday morning, when funeral serv- out notes. ices will be held in Trinity Church. rangements that went down the harbor aboard the Correction were Norman York are sovereign. They said in the gut, his son-in-law, representing the we'll see a lot of you hereafter." said nor household was aboard. It was Mrs. to any member, whether judge or sen Representative Gray of Indiana, another Gaynor's wish that as little publicity as ator: 'You shall not sit in this court.' possible be attached to the landing of burst of cordiality. Mr. Browne mur-mured his thanks. He said that since at which the body would be landed was not made public in advance. With the exception of the mounted police, less than a hundred persons wit-nessed the transfer from the Correction to the hearse.

Taft Heads Honorary Pallbearers.

The twelve honorary pallbearers, headed by William H. Taft, formed two lines through which the casket passed at the were entitled to the vote of their repre-Gaynor home. For three blocks around sentative. He recalled numerous inthe house there was stretched during the night a cordon of police to keep away the curious. The lines were still drawn today. in the adoption of impeachment articles, Rufus W. Gaynor, the mayor's son, who had requested to be excused from sitting taken from the hearse. They would have been sent away by the police had not Robert Adamson, the dead mayor's sec-Record time was made in clearing up retary, forbidden it. "Let the children come into the house.

The order was carried out. A few minutes later the children left with tears in

PLEADS GUILTY TO PERJURY. Others Charged With Referendum

Forgery to File Demurrers.

CLEVELAND, Ohio, September 19 .- O. consider the challenges of the four sen-R. Gallen, Cleveland, indicted yesterday Judge Cullen then directed Clerk Mcfor swearing to forged signatures on Cabe to read the articles of impeachpetitions calling for a referendum on the ment. The motion by Senator Pollock of I. O. O. F. Sovereign Grand Lodge

Hopes to Adjourn Tonight.

MINNEAPOLIS, September 19.—The Sovereign Grand Lodge, Independent Order of Odd Fellows, began its final content of the sentenced tomorrow. Counsel representations and the clerk began to the sentenced tomorrow. Counsel representations to the articles of impeachment final country auditor, and J. D. Cargould, Akron policities are sentenced tomorrow. Counsel representations to the articles of impeachment filed by the assembly?" queried Judge Cullen when Clerk McCabe had finished his reading. Order of Odd Fellows, began its final tician, prepared today to file a demurrer session early today, expecting to dis- to the indictments charging them with atpose of all unfinished business before tempted burglary of the Ohio Equity Association's offices here to gain possession of the impeachment, Louis Marshall of of Warner and Kilpatrick law referen- the governor's counsel would argue that If the demurrer is not allowed, Meekin-

to the winners in the contests participated in during the week by cantons of the Patriarchs Militant and degree teams of the subordinate lodges.

In a guilty and arrange for an immediate trial. Meekinson and Cargould, who are out on a five-thousand-dollar bond were summoned to Cleveland today.

IN HIS FIRST FIGHT

ONE CENT.

Defense, Will Retain Seats.

INVESTIGATING GOVERNOR

WERE ON COMMITTEE

Right to Sit as Judges,

ALBANY, N. Y., September 19 .- Gov. Sulzer's lawyers lost their first fight in the high court of impeachment today when the four senators challenged by the defense were permitted to retain The vote, which was on the question of

whether the court should entertain the

challenges, was unanimous against such

procedure. The four senators directly concerned-Frawley, Wagner, Ramsperger and Sanner-did not vote. Immediately following the vote of the

court, the reading of the long articles of

impeachment was begun Although Presiding Judge Cullen had the right to decide the question of the qualifications of the senators for holding their seats, he dld not take advantage of this prerogative. He first expressed his opinion that the objections were not well grounded and then permitted the entire court to vote on the issue.

Questions Right of Court.

In addressing the court Judge Cullen cline plane to the deck of the Cor- In this, he said, a court differed greatly from a jury, the qualifications of members of which might be decided by the

The vote came after a morning of egal argument between Judges Herrick and Parker, representing the defense and the prosecution, respectively. Judge Herrick's chief argument was that no man might sit both as prosecutor and judge. In reply Judge Parker said the members of the court were court of impeachment in the beginning and that none other than the people had a right to remove their repre-

sentatives.

Objections to Wagner. Judge Herrick stated that the objecthe fact that "as acting lieutenant governor he is interested in the result of the trial, as in the event of the conviction of the respondent he would succeed to the dignity, profits and moluments of the office or lieutenant

"This case," said Judge Herrick, "in some respects is the greatest since the mpeachment trial of President Johnson. It has aroused the country. There can e no question that the senators on the horse's head, as the casket was placed in Frawley committee have formed and ex-

Judge Herrick then read the articles of impeachment as adopted by the assembly, declaring that the defense's chalenge is founded on "the right to seek trial by an impartial tribunal-one that is not prejudiced in advance." He cited court opinions bearing on the absolute necessity of all the judges being uncon-

taminated by bias.

Urges Fair Treatment. "Every member of this high court," he said. "should be free from even a suspicion of bias" in order that the governor night be given "such fair treatment as is accorded the meanest criminal accused of the smallest crime.

At the completion of his arguments he

formally challenged the right of the four

senators to sit.

As Judge Herrick closed Judge Alton "I shall contend before this high court, he argued, "that you are without authority to exclude from its membership any beginning that this court shall be composed of the court of appeals and the senate, and you are without power to say Judge Parker declared that the state constitution made no provision for judge,

senator or counsel to challenge any member of the high court. Precedents Are Cited.

Citing precedents established in the Andrew Johnson and other executives and judicial officers, he argued that the people of each senate district in the state stances where members of former courts of impeachment who had served on committees, the reports of which had resulted

In the Shively case, Judge Parker pointed out, it had been held that a senator's vote "belonged to his constituents and to himself." The only precedent in support of the challenges, he said, was in one case in

when, during the impeachment of John

H. Shively auditor of the state of Wash-

seventeenth century, in i

which a senator had been excluded because he was a brother of the accused. He did not specifically mention the case.

Opinion of Cullen.

At the close of the arguments on the qualification of the senators to serve on the impeachment court, Judge Cullen said it was his opinion that the challenges could not be entertained. He added, however, that he would permit the entire court to vote on the question after expressing his views.

The court voted unanimously not to

ators to sit in the Sulzer hearing.

Judge Herrick thereupon stated that pursuant to the notice of yesterday that objections would be made to the validity

Would Halt Proceedings.

Attorney Marshall, reading from a prepared brief, first asked that the entire proceedings be dismissed, on the ground